

REMARKS

Claims 1-11 are pending in this application. Claims 1-4 and 7-11 have been rejected. Claims 5 and 6 have been objected to.

Claim 3 has been objected to for reciting "the plug" in lines 1-2 without antecedent basis, and for misspelling "and" in line 5. Appropriate correction has been made. Please remove the objection to claim 3.

Claim 6 has been objected to under 37 CFR § 1.75(c) as being of improper dependent form. Appropriate correction has been made. Please remove the objection to claim 6.

Claims 7-12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claim states that both the front and rear surfaces of the safety mirror are oriented forwardly. Appropriate correction has been made. Please remove the rejection under 35 U.S.C. § 112, second paragraph of claims 7-11.

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No 2,302,952 to Pfeifer. Claims 2-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfeifer in view of United States Patent no. 3,235,294 to Naylor.

Claims 5 and 6 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 1 has been rewritten to include the limitations from claims 2 and 5. Based upon the reasons for rejection of claims 2-4, and the Examiner's reasons for allowance, the Applicant asserts that it is not necessary to import the limitations from claims 3 and 4 into claim 1 in order to create the combination considered allowable by the Examiner. Accordingly, claim 3 now depends from claim 1, and claim 4 remains dependent on claim 3. Please remove the rejections under 35 U.S.C. §§ 102(b) and 103(a), and enter the allowance of claims 1, 3-4, and 6.

Claims 7-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 2,302,952 to Pfeifer. The Examiner states:

"Pfeifer shows a safety mirror method including a main housing (17) with a mirror plate at the front end and oriented forwardly, and a mounting arm (15) attached and extending from the rear of the housing for attachment to the vehicle.

Pfeifer does not teach attaching the mirror to a patrol car, positioning the patrol car behind a stopped vehicle, standing in front of the patrol car and facing the same while simultaneously watching the stopped vehicle. However, it

would have been obvious to the ordinary skilled artisan at the time of the invention to attach Pfeifer's mirror to a patrol car in order to enable forward viewing as taught by Pfeifer. The claimed method steps would be inherent when an officer in a patrol car so modified performs a routine traffic stop, with the officer noticing objects in the forward-facing mirror while facing the patrol car and oncoming traffic."

Although the Applicant understands why statements of intended use were considered insufficient to distinguish the apparatus claims, if true, the Examiner's dismissal of the recited steps in the method of would effectively nullifies the practice of claiming a new method of use. In particular, the Examiner seems to argue that IF this device were already attached to a patrol car, during a routine traffic stop an officer would discover it's use for this purpose, since the officer would be "noticing objects in the forward-facing mirror while facing the patrol car and oncoming traffic." In principle, this argument seems to assert that a method could properly be rejected as obvious if hypothetically the object was placed in the intended environment of use, and a user would discover how the method could be practiced. The Examiner's argument therefore imposes a new requirement on method claims, and a new requirement for non-obviousness that is unprecedented, and is simply not a part of the legal requirements for patentability. This rejection cannot stand.

The Applicant's have invented a new way of protecting the safety of an officer during a traffic stop. is a unique scenario presented by the challenges of law enforcement work. As the Examiner states, no reference discloses such a use. In particular, no reference discloses or even suggests attaching a forward facing mirror to a patrol vehicle and viewing a stopped vehicle in the mirror while standings in front of the patrol vehicle. The reference cited in this rejection is Pfeiffer. Even if Pfeiffer has a mirror that faces forward, however, it's purpose is merely to provide a view to a person while seated in the vehicle, to allow them to "see around and in front of the car...to determine whether the road is clear" (see Column 1, lines 6-12). There is simply no teaching for using a forward facing mirror mounted to a vehicle by a person standing outside of the vehicle to view what is behind them for any purpose, law enforcement or otherwise! No proper basis has been presented for dismissing the Applicant's recited method as obvious.

In the real world, the Applicant's creation of this system is extremely clever and potentially life saving. In the content of the Application, this invention is non-obvious, and entitles the Applicants to patent protection! Please remove the rejection of claims 7-11 under 35 U.S.C. § 103(a) and enter the allowance thereof.

In view of the above, reconsideration and allowance of pending claims 1, 3-4, and 6-11 are respectfully solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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